

## Message Text

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43

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-02 INR-07 NSAE-00 RSC-01 CG-00 COA-01 DLOS-05

SWF-01 IO-10 L-02 AF-10 ARA-10 EA-10 NEA-10 OIC-02

/091 W

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R 090955Z DEC 74

FM AMEMBASSY ATHENS

TO SECSTATE WASHDC 6538

INFO AMEMBASSY LONDON

UNCLAS ATHENS 8734

LONDON FOR CLAPPIN

E.O 11652: N/A

TAGS: EWWT, GR

SUBJ: IMCO CONFERENCE ON CARRIAGE OF PASSENGERS AND LUGGAGE  
BY SEA - FIRST WEEK

SUMMARY: DURING FIRST WEEK, CONFERENCE HAS TAKEN FINAL DECISIONS  
ON TWO PRINCIPAL PROVISIONS OF CONVENTION: STANDARD OF LIABILITY  
AND LIMITS BY WHICH CARRIERS MAY LIMIT LIABILITY IN CASE OF DEATH  
OF OR INJURY TO PASSENGERS. CARRIERS' LIABILITY WILL BE  
BASED ON FAULT OR NEGLIGENCE WITH CLAIMANT BEARING HEAVY BURDEN OF  
PROOF.

LIMITS OF CARRIERS' LIABILITY FOR PASSENGER DEATH OR INJURY ONLY  
56,000 DOLLARS (700,000 GOLD FRANCS).

SOME DELS WANTED HIGHER AMOUNT BUT ONLY U.S. DEL VOTED AGAINST  
ARTICLE EMBODYING THIS LIMIT. U.S. PROPOSAL ON EVIDENCE OF FINANCIAL  
RESPONSIBILITY DEFEATED. WITH DECISIONS ON LIABILITY AND LIMITS NOW  
TAKEN, CONF. PROCEEDING MUCH TO LIKING OF DELS REPRESENTATING  
PRIMARILY CARRIER AND INSURANCE INTERESTS, SUCH AS NORDICS, U.K.  
AND GREECE. U.S. CANADA, AUSTRALIA AND, TO SOME EXTENT,  
FRANCE ONLY DELS WHICH SEEM INTERESTED IN CHANGING STATUS QUO TO  
CLAIMANTS' BENEFIT. REMAINING ISSUES SHOULD BE RESOLVED QUICKLY

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WITH CONF. ENDING DEC 13 AS SCHEDULED. END SUMMARY.

1. BASIS OF LIABILITY. AS IN 1961 AND 1967 BRUSSELS CONUS, LIABILITY PROVISION ADOPTED BY CONF IS BASED ON CARRIERS' FAULT OR NEGLECT WITH CLAIMANT BEARING RELATIVELY HEAVY BURDEN OF PROOF. VOTE WAS 17 - 7 - 5 (U.S.). U.S. PROPOSAL ON ABSOLUTE LIABILITY IN CASES OF MAJOR CARRIER DISASTER DEFEATED. VOTE WAS 3 (CANADA, AUSTRALIA AND U.S.) - 21 - 7. CANADIAN PROPOSAL WHICH WOULD HAVE PUT HEAVY PRESUMPTION OF FAULT OR NEGLECT ON CARRIER IN MOST CASES ALSO DEFEATED, WITH ONLY U.S, CANADA, AUSTRALIA, FRANCE, AND ITALY VOTING FOR.

2. LIMITS OF LIABILITY. PROPOSALS ON LIMITS RANGED FROM 5 MIL GOLD FRANCS BY U.S. TO 400,000 GOLD FRANCS BY UK. (IN U.S. DOLS, RANGE WAS 400,000 TO 32,000). CANADA PROPOSED 100,000 DOLS AND OFFERED TO COMPROMISE EITHER UP TO U.S. FIGURE OR DOWN TO 56,000 DOLS AS PROPOSED BY NORDIC COUNTRIES. U.S. REP STATED WILLINGNESS TO MODERATE PROPOSAL SOMEWHAT BUT EMPHASIZED NEED FOR CONVENTION TO HAVE HIGH LIMITS, I.E., IN AREA OF 300,000 DOLS, IF USG COULD BE AT ALL INTERESTED IN BECOMING PARTY. IN SERIES OF QTE INDICATIVE UNQTE VOTES ON ALL LIMITS BEFORE CONFERENCE, U.S. PROPOSAL DEFEATED WITH U.S. AND AUSTRALIA VOTING FOR. CANADIAN PROPOSAL ALSO DEFEATED (FOUR POSITIVE VOTES) AS WERE FIGURES IN LOWER RANGE. CONF. THEN VOTED DEFINITELY ON 56,000 DOL NORDIC PROPOSAL WHICH CARRIED 22 - 3 (U.S AUSTRALIA, INDONESIA) - 2. FINAL VOTE ON ARTICLE CONTAINING LIMITS AS ADOPTED WAS 25 - 1 (U.S.) - 2.

3. FINANCIAL RESPONSIBILITY. U.S. PROPOSAL ON EVIDENCE OF FINANCIAL RESPONSIBILITY DEFEATED BY VOTE OF 4 (ITALY, NIGERIA, CANADA, US) - 20 - 5.

4. OTHER ISSUES. AFTER LONG VERBAL MINUET AMONG EUROPEAN DELS, CONF. APPROVAL PROVISION MAKING LIMITS OF LIABILITY IN PASSENGER AND LUGGAGE CONV. SUBORDINATE TO SHIPOWNERS' GLOBAL LIMITATION FOUND IN 1957 BRUSSELS CONV. VOTE WAS 14 - 9 (U.S.) - 5. UNLESS GLOBAL LIMITATION IN 1957 CONV. SUBSTANTIALLY REVISED UPWARDS (A POINT ON WHICH U.S. REP EXPRESSED DEEP SKEPTICISM), PRACTICAL EFFECT OF SUBORDINATION PROVISION IN PASSENGER CONVENTION WOULD BE TO GIVE CLAIMANT LESS THAN MAXIMUM 56,000 DOLS IN MANY CASES.

5. COMMENT: AS EXPECTED, PROPONENTS OF ORIGINAL CMI DRAFT UNCLASSIFIED

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CONVENTION (TOKYO DRAFT) HAVE DONE UTMOST TO PRESERVE THEIR WORK AND TO RESIST ANY AND ALL EFFORTS TO AMEND IT MORE IN FAVOR OF PASSENGERS. RESULT IS APT TO BE CONV. WHICH WILL BE RATIFIED BY LIBERIA AND SOME EUROPEAN STATES (PROBABLY NOT FRANCE AND POSSIBLY NOT ITALY) BUT ONLY AFTER REVISION OF 1957 BRUSSELS CONVENTION IS COMPLETED, I.E. 1976.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, INSURANCE, POLICIES, MEETINGS  
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**Copy:** SINGLE  
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**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**TAGS:** EWWT, GR, IMCO  
**To:** STATE  
**Type:** TE  
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